

ATTORNEY DOCKET
068354.1471

PATENT APPLICATION
09/870,447

1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Brian Boles et al.
Serial No.: 09/870,447
Filing Date: June 1, 2001
Group Art Unit: 2111
Examiner: Thomas J. Cleary
Title: ***VARIABLE CYCLE INTERRUPT DISABLING***

VIA FACSIMILE 703.308.5077

Mail Stop 16
Director of the U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence
is being sent via facsimile
(703.308.5077) and addressed to: Mail
Stop 16, Director of the U.S. Patent and
Trademark Office, P.O. Box 1450,
Alexandria, VA 22313-1450 on the date
shown below.

Angela Loding
Angela Loding
12-2-04
Date

REQUEST FOR REFUND

Dear Sir:

I. BACKGROUND

A Notice of Allowance was mailed August 11, 2004, for the above-mentioned application. On September 29, 2004, Applicants filed a Request for Continued Examination (RCE) pulling the instant application from issuance. On October 1, 2004, the U.S. Patent and Trademark Office debited Baker Botts L.L.P. Deposit Account No. 50-2148 a total of \$660.00 for fee code 1801 - (RCE) and \$110.00 for fee code 1251 - Extension for Response within first month.

AUS01:366289.1

BEST AVAILABLE COPY

ATTORNEY DOCKET
068354.1471

PATENT APPLICATION
09/870,447

2

II. FEES PAID FOR WHICH REFUND REQUESTED

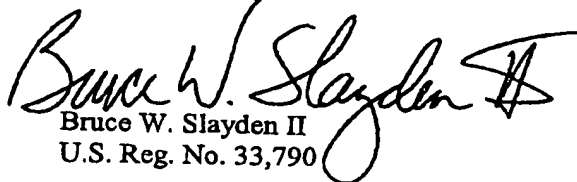
Upon filing the RCE on September 29, 2004, Applicants submitted a check in the amount of \$110.00 - Baker Botts check no. 107940. Applicants agree that \$660.00 was due for the filing of the RCE fee which would have been \$770.00. However, Applicants do not believe the additional \$110.00 should have been debited.

III. MANNER OF REFUND

Please make refund of \$110.00 by crediting Account No. 50-2148 of Baker Botts L.L.P.

BAKER BOTTS L.L.P.

Attorneys for Applicants


Bruce W. Slayden II
U.S. Reg. No. 33,790

Date: December 2, 2004

Correspondence Address:

Customer No.: **31625**

Telephone: 512.322.2606

Facsimile: 512.322.8306

AUS01:366289.1

BEST AVAILABLE COPY

BAKER BOTTS LLP

RCE
09/30/04IFA
+**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,
provides for continued examination of an utility or plant application
filed on or after June 8, 1995.
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/870.447
Filing Date	June 1, 2001
First Named Inventor	Brian Boles et al.
Group Art Unit	2111
Examiner Name	Thomas J. Cleary
Attorney Docket Number	068354.1471

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. ☐ Other _____
- b. ☒ Enclosed
- i. ☐ Amendment/Reply 10/01/2004 MAHME1 00000039 502148 09870447
- ii. ☐ Affidavit(s)/Declaration(s) 01 FC:1801 660.00 DA 110.00 CP
- iii. ☒ Information Disclosure Statement (IDS) 10/01/2004 MAHME1 00000039 502148 09870447
- iv. ☒ Other PTO Form 1449 (w/references on CD-ROM) 02 FC:1251 110.00 DA

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(f) required)
- b. ☒ Other Revocation and Power of Attorney

3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-2148
- i. ☐ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☒ Other Any additional charges under 37 CFR 1.16 and 1.117
- b. ☒ Check in the amount of \$ 110.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Bruce W. Slayden	Registration No. (Attorney/Agent)	33,790
Signature		Date	9/29/2004

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as express mail in an envelope addressed to: Commissioner For Patents, Mail Stop- RCE, P.O. Box 1450, Alexandria, VA 22313-1450, on 9/29/04
Express Mail No. EV 3512-8822-7 US

Name (Print/Type)	Angela Loding	Date	9/29/04
Signature			

Adjustment date: 01/21/2005 SDIRETA1
10/01/2004 MAHME1 00000039 502148 09870447
02 FC:1251 110.00 CR

BEST AVAILABLE COPY